

Notice of Allowability

Application No.

10/775,943

Examiner

Gunyoung T. Lee

Applicant(s)

ROSS, JEREMY B.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendments and remarks filed 10/4/2006.
2. ☒ The allowed claim(s) is/are 4-5, 13-16, 25-34 and 36-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on October 4, 2006 has been entered:
 - Claims 1, 6-10, 13, 21, 25, 28, and 33-34 have been amended;
 - Claims 2, 12, 17-20, 24 and 35 have been cancelled;
 - Claims 1, 3-11, 13-16, 21-23, 25-34 and 36 are still pending in this application, with claims 1, 6, 10, 13, 21, 25, 28 and 33 being independent.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in communications with Mr. Douglas W. Rommelmann (Reg. No. 34,418) on November 20, 2006.

Claims

4. Claims 3, 6-11 and 21-23 are cancelled.
5. New claim 37 is submitted as below:

(New) 37. A flashlight comprising:

 - a handle portion having a longitudinal axis;
 - a first member having a first end, a second end and a longitudinal axis, said first end connected to said handle portion; and

a lightbox connected to said second end, said lightbox having a light source for emitting a directional light beam, said light source is swiveable normal to said first member longitudinal axis to direct the directional light beam in various directions relative to said first member,

wherein said handle portion longitudinal axis and a longitudinal axis of said lightbox are substantially parallel with one another and define a hand receiving opening therebetween, said hand receiving opening for receiving a portion of a user's hand, and when said first member longitudinal axis is substantially horizontal, said handle portion longitudinal axis and said lightbox longitudinal axis extend vertically downward.

6. Claim 4, line 1, "1" has been changed to --37--.
7. Claim 25 has been amended as follows:
 - a. line 4, following "and", insert --a longitudinal axis of said handle member being--, and
 - b. line 9, "in a stationary," has been changed to --stationary and said handle member longitudinal axis is in a--.
8. Claim 28 has been amended as follows:
 - a. line 11, following "plane", insert --and said first longitudinal centerline of said first member--, and
 - b. line 18, following "plane", insert --and said first longitudinal centerline of said first member--.

Reasons for Allowance

9. Claims 4-5, 13-16, 25-34 and 36-37 are allowed.
10. The following is the examiner's statement of reasons for allowance:
11. Claim 37 is allowable because the prior art fails to show or teach a flashlight having a handle portion, a lightbox and a first member placed between the handle portion and the light box:
 - Wherein a light source of the light box swivels normal to a first member longitudinal axis, and a handle portion longitudinal axis and a longitudinal axis of the lightbox are parallel and extend downward in vertical direction when the first member longitudinal axis is in horizontal direction (claim 37);
 - Wherein the handle portion, the first member and the lightbox form a U-shaped configuration (a handle portion longitudinal axis and a lightbox longitudinal axis are parallel), the lightbox has a battery receiving portion with a longitudinal axis, and a light source of the lightbox is movable (90 degrees of rotation) relative to the first member and is oriented in a direction transverse to the longitudinal axis of the battery receiving portion (claims 13, 25); and
 - Wherein a longitudinal centerline of the handle portion (or a longitudinal axis of a battery receiving portion of the lightbox) and a longitudinal axis of the first member define a first plane, a lighting direction of the lightbox is parallel with the first plane and the first member longitudinal axis in a first position, and the lighting direction of the lightbox is transverse to the first plane and the first member longitudinal axis in a second position (claims 28, 33).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rizzo (US 3,354,570) and Smith (US 6,641,277) show flashlights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
11/21/2006


RENEE LUEBKE
PRIMARY EXAMINER